UTILITARIANISM AND THE PROBLEM OF MINORITY RIGHT IN NIGERIA: A PHILOSOPHICAL ANALYSIS

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Abstract
Scores of countries around the world are confronted by challenges of towering number of culturally diverse groups. This may be linguistic, ethnic, tribal or religious groups situated within the defined boundaries of a state. This situation has led to tension and conflicts between the 'majorities' and the 'minorities'. The notion of minorities in Nigeria is a complex one. Hausa-Fulani, Yoruba and Igbo are considered the majorities. The three accounts for more than half of the population, while hundreds of smaller ethnic groups constitute the rest. The demographic disparity is attributed to historical and socio-political factors and in turns placed the control of power and distribution of common wealth in the hand of the majority. Such control had paved way for domination and subordination of minorities within the context of inter and intra-factional struggles for power. The result has been incessant cries of marginalization by the minority. This paper examined utilitarianism, using philosophical analytic method. It found that the utilitarian principle of greatest happiness to the greatest number if applied to policy-making and social engineering towards social justice will be instrumental to upholding minority rights and ameliorate marginalization of the minority in Nigeria.

Key words: utilitarianism, minority, right, philosophy and Nigeria

Introduction

In a multi-cultural society like Nigeria, there are bound to be some people advantaged due to either their population, early contact with the colonialists or their educational attainment. These always give rise to competition and struggle for equality and fairness in the distribution of resources, offices and positions available to the society. This is exactly the situation in Nigeria since independence in 1960. The minority groups have been struggling for equality, fairness and full participation in the baking and sharing of the 'national cake'. The majority tribes are basically Hausa-Fulani, Igbo and Yoruba. While the minority ones are scattered all over the country.

It is this claim of minorities that necessitated this study which seek to ascertain how the principles of utilitarianism which aims at the greatest happiness to the greatest number of people can help to ameliorate the problem of the minorities in Nigeria. This is paramount to the much desired social cohesion.

The three regions, the North, West and East have within them minority populations and each of these has its own peculiar problems. In the West, the minorities asserted that the government at Ibadan was dominated by the Yoruba and that it would be difficult for a non-Yoruba ethnic group to become the Premier of the Western region. This led to the demand for a mid-Western Region. In the East, the minorities expressed fear that the Igbos would over-run them commercially and politically. For this reason, they demanded for the creation of a separate region to comprise of Calabar, Ogoja and Rivers States. In the Northern part of Nigeria, the Ilorin and Kabba Division complained that the system had been autocratic and that a change to democratic methods was yet to be established. They demanded to be transferred to the Western region (Taiwo and Kont, 2019:148).

Reflecting on the problem of minorities in general, David Miller underscores the point that "democracy ought to be willing to include certain basic rights in the constitution, precisely, to protect minorities

against unfriendly nature of the majorities at any moment". It is however important to observe that the problem of the minorities in Nigeria does not lie in the lack of constitutional provision and protection of their basic rights. Their problem rather, is a function of certain existential conditions, which negate the implementation of the provision (Akinyele, 1996:71).

Minority rights have over time risen to represent a set of legal phenomena and structures intended to ensure that an identifiable group which is in a vulnerable, disadvantaged, marginalized position in a given society is able to achieve equality and protection from persecution against them by the majority. Minority rights are a fundamental part of International Human Rights Law, designed to promote human rights on social, economic, political, regional and domestic levels. However, the problem has always been that of internalization of these charters of minority right and entrenched them in the day to day implementation of government policies. Thus there is need for a compelling philosophy

Utilitarianism as Greatest Happiness to the Greatest Number

Utilitarianism is one of the most powerful and persuasive approaches to normative ethics in the history of philosophy. Utilitarianism developed principally from the works of Bentham and Mill. However, theory can also be traced to the ancient period and has continued to develop after Bentham and Mill.

This writer finds utilitarianism to be that instrumental philosophy since it seeks the greatest happiness of the greatest number.

Jeremy Bentham (1748-1832) held that human actions are generally governed by pleasure and pain. He argued that concepts of good, ought, right are only meaningful when interpreted in pleasurable terms. Bentham developed the principle of utility to guide private and public actions. According to principle of utility, an action is right, good or ought if it is the best alternative action which produces the greatest net utility, in terms of happiness, to the greatest majority. In other words, morally just actions are those, after due weighing and consideration, are adjudged to produce the greatest amount of happiness to the greatest number of people. A bad, wrong and unjust act is that which does the opposite. A right and good action, whether it is public policy or personal decision, is the best possible action considered from the array of other alternatives.

In his understanding, the principle that should guide action is the consequences which the action would bring. To evaluate the "pleasurability" or pain of an act, Bentham developed Hedonist calculus as a guide. An act is good or right if and only if, when calculated quantitatively, it is found to produce the greatest pleasure to the greatest number of people. For instance, Act "P" makes me and five other persons happy. Conversely, Acts "Q" makes me and two other people happy. Therefore, Act "P" is adjudged as morally right course of action.

It is important to note that, unlike Hutcheson deontological Utilitarianism, Bentham's principle of utility is egalitarian without bias to fundamental dignity or moral/social status. Everyone is counted equally under Bentham's Hedonic calculus. In addition to the requirement of equality, Bentham required five other criteria to be considered when applying the Hedonic calculus. According to him, five other elements required to calculate the greatest amount of happiness include the net amount of pleasure extent or happiness, its intensity, its duration, its fruitfulness and the likelihood of any act to produce it (Mackinnon, 1998:33). An action that produces short-term pain may be accepted if and only if the pleasure that follows would outweigh the pain in terms of integrity, duration, certainty and general approval.

John Stuart Mill (1806-1873) agrees with most of Bentham's arguments. Mill's admiration and acceptance of utilitarianism is on the basis that by nature it does not single out anyone for preferential treatment to the extent that on the conflict regarding his own happiness and that of others the utilitarian principle requires him "to be as strictly impartial as a disinterested and benevolent spectator" (More and Bruder,2002:243). As we have note earlier utilitarian value of an action is not based on the subjective definition of happiness by an individual but on the objective definition of happiness by a vast majority. The standard objective, purpose, aims and goal of utilitarianism is not merely attainment of personal happiness but the good of society considered together.

> For that standard is not agent's own greater happiness, but the greatest amount of happiness altogether … utilitarianism, therefore, could only attain its end by the general cultivation of nobleness of character, even if each individual were only benefitted by the nobleness of others, and his own, so far as happiness is concerned were a sheer deduction from their benefit. (Mill, 1998:38)

Although Mill inherited much of the claims of Bentham, he nevertheless differed from him in a number of ways. One of the stark departures from Bentham version of utilitarianism is in the area of nature of happiness or pleasure. Unlike Bentham equalization of pleasures, Mill markedly argues that some pleasures or happiness inherently rank higher than others, and are to be preferred over pleasures of inferior quality. He argues that, "It is quite compatible with the principle of utility to recognize the fact that some kinds of pleasure are more desirable and more valued than others" (Mill, 1994:45).

This is the difference between Bentham and Mill that while the former considered only the quantity of pleasure or happiness as the determinant of moral good, the latter considered both the quantity and quality of the pleasure or happiness produced by a course of action. For Mill (1994), some pleasures are intrinsically better than others. To determine the degree of quality of one pleasure over another, Mill (1994) advocated a scale of preference. He stated thus:

> What makes one pleasure more valuable than another of two pleasures, if there be one to which all or almost all who have experience of both give a decided preference, irrespective of any feeling of moral obligation to prefer it that is the more desirable pleasure. If one of two is, by those who are completely acquainted with both, placed so far above the other that they prefer it, even though knowing it to be attended with a greater amount of discontent, and would not resign it for any quantity of the other pleasure which their nature is capable of, we are justified in ascribing to the preferred enjoyment a superiority in quality so far outweighing quality as to render it, in comparison, of small account. (45)

The above two strands of utilitarianism are referred to as act and rule utilitarianism. Act utilitarianism is associated with Bentham's version of utilitarianism while rule utilitarianism is associated with Mill's version. Rule utilitarianism seems to have been developed as a response to criticisms against Bentham's. However, the two strands of utilitarianism are alike in that they both require us to produce the greatest happiness to the greatest majority. They differ in terms of the processes and practice of attaining utilitarian objective. In other words, they are similar in ends but differ in means.

> Act utilitarianism states we ought to consider the consequences of each act separately. Rule utilitarianism states that we ought to consider the consequences of the act performed as a general practices. (Mackinnon, 1998:39)

Act utilitarianism considers the utility of an act within its individual context; rule utilitarianism considers the utility of general rule which governs series of actions. Rule utilitarianism urges us to focus on the consequences of a type of act rather than the single act itself. Under rule utilitarianism, we may ask: what if this type of act becomes the rule? In other word, is the act sustainable? How would the act impacts on posterity if it becomes the rule?

> Rule utilitarian differs by rather encouraging that before a moral decision is taken, we should reflect on whether useful consequences would be derived from such actions and on the basis of that, it should be adopted... This leaves open the possibility that a particular right actions may not maximize benefit... then, to find what is morally right or wrong we need to find which action would be permitted by a moral system. (Chigbo, 2013:11)

On the other hand, act utilitarianism merely focuses on the immediacy; it does not define happiness in the long term, that is, in terms of sustainability or system building. Act utilitarianism also leaves out posterity in calculating or counting the greatest number affected by a course of action. So with rule utilitarianism, some of the fundamental limitations associated with act utilitarianism seem to have been addressed. It is worthy of note that rule utilitarianism has been strengthened in Kant's categorical imperative which urges we should act only in a manner that we intend our action to become a universal law (Kant, 1949)

Issues of Minority Right In Nigeria

Before 1914, colonial conquest had altered the pattern of inter-group relations in the Nigerian geographical area, but it was the strength of the existing interactive factors which made it possible for Sir Frederick Lugard to contemplate a proposal in 1913 for the amalgamation of Northern and Southern protectorates which could have developed as two separate countries (Kalu, 2004). The decision of Lugard to create a unified Nigeria on 1st January 1914 did not result from the pressure of local political groups; it derived from considerations of administrative convenience. Lugard considered it unnecessary to carve out a territory undivided by natural boundaries, more so, since one portion (the South) was wealthy enough to commit resources to even "unimportant" programmes while the other portion (the North), could not balance its budget, necessitating the British taxpayers being called upon to bear the larger share of even the cost of its administration (Usman, 2014:285). It nevertheless, saddled the country with an issue – the relationship between North and South that has dominated its politics to this day (Osadolor, 2003:34).

Nigerian's population is estimated to rise to 223.8 million by mid-2023 from 216 million in 2022, according to new report by the United Nations. "The State of World Population", which was released in April, 2023. The country's federal system of government has evolved over time, from 3 regions in 1946 to 36 states. Conspicuously, there are several diverse ethnic minority groups scattered across the country (Kalu, 2004). The widespread illusion is that Nigeria has over 250 ethnic groups. However, the fact remains that nobody knows the real figure, and estimates vary widely depending on the criteria used. Worth mentioning, however, is the point that in spite of the conflicting views with regard to numbers, there is generally, the broad concurrence about the diverse ethnic composition of the country (Mustapha, 2003).

The first attempt ever to address the minority question in Nigeria was the Henry Willink Commission set up on September 25, 1957 by the Colonial Secretary. The Willink Commission completed its investigation in April 1958. In a recommendation that affirmed that the minority fears were not unfounded, the Commission proposed the balancing of power within the country so that there would be minimal temptation of the majority to use power solely for its own advantage (Ojiako, 1981:44). While

state creation was seen as the panacea to the problem of the minorities, the Commission downplayed this for the reason that it would create further minorities. Instead of state creation, the Commission felt that the interests of the minorities could be best protected at the Federal level by working out some democratic machinery which would safeguard their interest (Ojiako, 1981:45). Although, the minority populated Mid-West region was carved out from the Yoruba West in 1963, the political aspiration of Nigeria's minorities for the security of their own regions or states was not given any real attention until the collapse of the First Republic in January 1966.

Generally, it is settled that the ethnic groups are largely divided into ethnic "majorities" and ethnic "minorities". The history of this categorization can be attributed principally to the ethnic-based electoral politics associated with Nigeria's independence from 1960, when minority status became connected with the tininess of population size and the interrelated issue of limited electoral weight (Ojiako, 1981:45).

An ethnic group is regarded generally as a communal society whose members not only share such objective characteristics as language, core-territory, ancestral myths, culture, religion and/or political organization, but also has some subjective consciousness or perception of common decent or identity. Despite the fact that a lot of theoretical and philosophical uncertainty envelops the word 'minority' most scholars have shared the consensus that minorities are culturally distinct and relatively interconnected groups which occupy a position of numerical weakness and/or socio-political subordination when juxtaposed with other cultural divisions in the society.

By and large, ethnic minority tussles have long been acknowledged as one of the fundamental threats to institutional permanence, political stability and national cohesion in the multi-ethnic societies of the third world, like Nigeria (Diamond, 1987:209)**.** Doornbos (1998, 53) succinctly put it that ethnic minority conflicts have been credited numerously to the demonstrative power of cultural and ethnic ties, the struggle of relative group worth, mass-based resource competition, electoral mobilization, elite manipulation, false consciousness and/or defective political institutions and inequitable state policies.

The unhealthy rivalry between the three dominant ethno-regional blocs and the associated suppression of minority rights formed the basis for an increasingly unstable political climate which resulted to the series of military coups in 1966 and the Civil War between 1967 and 1970 (Onazi, 2002). In light of the above, over the past years, there has been piercing tensions and agitations by ethnic minority communities within the realm of the Nigerian federation. These ethnic minority protests in some cases were violent. Also, these intense conflicts have involved several thousands of victims spread across virtually every region of the country.

These communal upheavals have aggravated rigorous associational activities among the country's ethnic minority units and have led to the establishment of minority ethnic associations to defend or advance minority rights. Some of the foremost ethnic minority groups include the Middle Belt Forum (MBF), the Movement for the Survival of the Ogoni People (MOSOP), Niger Delta Volunteer Forces (NDVF), the Southern Kaduna Peoples Union (SOKAPU), and the Ijaw Youth Council (IYC) (Kalu, 2004). In addition, there are several dozens of smaller ethnic minority groups scattered across virtually every nook and cranny of the country, like the Gamai Unity and Development Organization, Tangale Community Development Association (TCDA), Gamai Youth Movement (GYM) etc. Without doubt, the political development in Nigeria highlights the precarious and contentious state of the country's multi-ethnic federal structure and its race relations paradigm. It is pertinent to note, fundamentally, that there is

virtually no discussion about Nigeria's democratic governance today, which would not come to terms with the challenges and dilemma of ethnic-based minority conflicts and tension (Mustapha (1986).

Recent developments in Nigeria associated with democratization have been tied in with the ever increasing conflict-ridden as well as detrimental cracks and demands amongst the different minority groups within the federation. Various minority communities still exhibit the fear of insecurity, domination, inequality, discrimination, annihilation and attrition in population despite some elements of constitutional and other legal safeguards, as well as, some positive actions taken by past and present governments.

The Possibility of a Utilitarian Community

Utilitarianism views a just society as that which creates the greatest happiness to the greatest number of people. Utilitarianism is sensitive to the human nature. As Lawhead (2007, 40) rightly notes that the fundamental goal of human beings is that we want to be happy. This feature is so fundamental to existence that we exploit all available means towards attaining happiness. Hence, what utilitarianism is doing is to aid us realize our individual and collective ideal. Bentham maintains that the State should always act to remove disabilities thereby advancing the welfare of the citizenry. Utilitarianism supplies a framework with which State's actions can be judged. According to Appadorai (1975),

> The basic idea of utilitarianism is simply this: all actions must be judged by their results, by their fruitfulness in pleasure and this pleasure must find actual expression in the lives and in the experience of definite individuals. (43)

The State's claims to social, economic and political progress must be summed up in the happiness of its citizenry. For instance, a State cannot rightly claim superlative economic growth or quantum leap in social progress if the majority of her citizenry live in poverty or are undergoing other forms of agony. Such a claim would be regarded as absurd, under utilitarianism, because the State cannot coherently claim economic prosperity without commensurate evidence in the welfare of the greatest number of its citizenry. Therefore, utilitarianism provides us with the standard with which to measure the progress and prosperity of a state – which, of course, is the sum total of the happiness of its citizenry (Carritt, 1950:78).

Another major prospect of utilitarianism is its capacity to mitigate conflicting ideals or policies. As Russell (2000, 774) rightly argues, ethical framework is invaluable tool for conflict resolution. Utilitarian ethics supplies us with the criterion with which to distinguish good and bad social policies or political goals; thereby affording us the means with which to promote good governance in the polity. For utilitarianism, good policies are those which promote good governance and human rights – since good governance and human rights promote happiness of the citizenry. Good and bad polices are not too difficult to distinguish since a good policy is that which has the capacity to create the greatest happiness for the greatest number of people and bad policy is that which is capable of creating the greatest pain for the greatest majority of people. Lawhead (2007) notes:

> People's happiness is something concrete and identifiable, utilitarianism gives us a definitive method for making moral decisions and adjudicating moral conflicts. If we are in doubt as to what our moral obligations are, we simply calculate the amount of human happiness produced by one action or another. (447)

This applies at the level of individuals, groups and State institutions. Utilitarianism supplies the citizens the yardstick to judge the actions of the State. If the State policy increases pain and does not improve the

living conditions of the people then it is not a good policy. Furthermore, Mills classification of pleasure into "higher" and "lower" also serves as a framework upon which conflict of good or policies are decided. Apart from describing "higher pleasures" as intrinsically better, Mill argues that a better policy can be identified by determining the greatest number individual subscriptions to it. According to Mill (1994),

> Of two pleasures, if there be one to which all or almost all who have experience of both give a decided preference, irrespective of any feeling of moral obligation to prefer it. That is the more desirable pleasures. (46)

People's happiness is something concrete and identifiable, utilitarianism gives us a definitive method for making moral decisions and adjudicating moral conflicts. If we are in doubt as to what our moral obligations are, we simply calculate the amount of human happiness produced by one action or another (Mill, 1994:46).

Utilitarianism as an abstract ethical theory holds that good is achieved when the aggregate of pleasure is greater than the aggregate of pain. For the utilitarians, an act is good if it leads to the greatest happiness of the greatest number of people. A society is said to be just and good when its citizens are happy. A just and happy society is an ideal society. Every citizen desires the ideal society and for this to be achieved, scholars have suggested the application of various ethical theories. Utilitarianism is sensitive to human nature and human beings do fundamentally desire happiness; both the majority and minority.

Evaluation
Minorities no doubt exist in the most countries of the world and they take diverse forms as well as consequences. Some of these diversities could be cultural, ethnic, linguistic or religious and because of all these, countries are facing distinctive challenges in dealing with minorities. World over, there may be seemingly conflicting objectives between nation-building and recognizing diversity, between individual rights and more collective rights, between accommodation and integration.

The Nigerian state today is no doubt facing unique challenges in dealing with the minorities due to its strong degree of cultural, ethnic, linguistic or religious and even regional diversity. Consequently, Nigeria must find its own pathway; the approach taken should recognize the importance of a full recognition of basic as well as special minority rights and the most of all, fair treatment for all. The ethnic majorities in the country should ask how they would wish to be treated if they were an ethnic minority.

As Nigeria seeks out to achieve political stability, harmony and unity in diversity, the pre-eminent means of realizing this may perhaps be by way of appreciating the contributions that the entire groups in the population are capable of bringing to the country's strength, wealth and prosperity. The country should have elements of both integration and accommodation in its approach to minorities.

The social, economic and political progress of every society must seek the happiness of its citizenry. This essay states that utilitarianism is a fundamental vehicle of transformation in a democratic society. It provides for society the standard with which to measure its progress and prosperity without boundaries between the majority and minority. This practice is achievable if friendly policies and result-oriented programmes are rolled out for the people by the managers of the State. The State's leadership policies cannot be evidently obeyed if the citizenry and strong followership are not connected, especially those considered as minorities.

According to Bentham, utilitarianism is the system of government that would benefit or create happiness to the greatest of number of persons; and for the greatest number of persons to benefit in any system of government, there must be good legislations enacted by legislators for the benefit of the greatest number

of persons and executed with the interest of the people at heart. Utilitarianism is sensitive to the human nature. The fundamental goal of human being is to be happy. This feature is so fundamental to the existence that we explore all available means towards attaining happiness hence what utilitarianism is doing is to aid us to realise our individual and collective ideals.

Universally speaking, good governance is all about having the basic fundamental norms, accountability, transparency, respect to basic laws, checks and balances, safe environment for its citizenry and corrupt free society where every, manner of persons will be treated equally and all laws of the land must be respected by all irrespective of the race, sex and status. Good governance carries everyone along, both the majority and minority.

Generally, there is no one methodology for dealing with minorities. Therefore, for the purposes of this article, we have identified few ways capable of achieving unity, equity as well as promote nationhood in the multi-ethnic federation of Nigeria.

There is the need to address the leadership crisis. Efforts should be made to discourage the idea of choosing a leader because of his ethnic group, religion and political affinity. Whoever would serve to the best interest of Nigerians should be given opportunity to serve, especially at the highest seat (president) irrespective of his or her tribe, religion or political affiliations.

Similarly, the cry of the minorities concerning political exclusion and marginalization is an indication that theory is not matched with practice in respect of popular democracy in Nigeria. Thus, sustainable development upholds popular representation, equitable participation and distribution of wealth as opposed to the selection of candidates whose loyalty is to the party and not the people. Utilitarian principle of would create the greatest happiness to the greatest number without discrimination should serve as guiding principle.

On another note, efforts should be intensified at readjusting revenue allocation had met with failure, the only way is to make the Niger Delta communities in particular "stakeholders" in the oil economy of the country.

Lastly, majority rule should be controlled so as to protect minority rights, because if it were left denuded, it probably would be employed as an instrument of oppression against persons holding minority or opposing views. Arbitrary majority rule in any democratic dispensation is potentially as despotic as the arbitrary rule of an autocrat or an elitist minority.

Conclusion
The attainment of happiness should be the overriding objective of any leadership policy. A strong leadership base can be anchored on an ethical platform of utilitarianism which promotes the happiness of the led, both majority and those considered to be the minority. When a leader leads well, its leadership commands a strong followership akin to the afrioxiological principles of *onye aghala nwanneya*, *biri ka mbiri* and *gidi gidi bu ugwu eze* translated to mean the concept of brotherhood and the strength of a king lies on his people are reflective of qualitative democratic leadership.

Utilitarianism appears capable of ushering in a just society, where no particular group is left behind as a result of their number. Although it does not accommodate the whole members of the society, but it creates room for the promotion and protection of the greatest number of the population which democracy seeks to achieve which is also in tandem with Africa's indigenous form of democracy.

One important mechanism employed in the settlement of the minority right in Nigeria is that of federalism. But in the midst of federalism, the minority groups assert that since independence, ruler-ship of Nigeria has been monopolized by the northern majority in partnership with the Igbo and Yoruba to the exclusion of the minorities. It therefore, means that the State still needs more effort to carry everyone along for the happiness of everyone is what matters.

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